

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: |) | |
| | : | Examiner: Pia Florence Tibbits |
| HIDEYUKI NISHIDA |) | |
| | : | Group Art Unit: 2838 |
| Application No.: 10/806,162 |) | |
| | : | |
| Filed: March 23, 2004 |) | |
| | : | |
| For: RECHARGEABLE BATTERY, |) | |
| AND APPARATUS AND | : | |
| METHOD OF CHARGING THE |) | |
| SAME | : | October 13, 2006 |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the restriction requirement set forth in the Office Action dated September 15, 2006, Applicant provisionally elects to prosecute the Group I claims, namely Claims 1 to 3. The restriction requirement is, however, traversed.

The restriction requirement was entered pursuant to the guidelines of MPEP § 806.05(j), which permits restriction between related products in certain situations. However, Applicant respectfully submits that Group II is not solely directed to a product. Group II contains claims that are clearly directed to a method (Claims 8 to 11).

Furthermore, Applicant respectfully submits that there would not be undue burden in examining the two groups of claims in a single application. In particular, MPEP

§ 808 makes clear that in order to require restriction between independent or distinct inventions, reasons for insisting upon a restriction requirement, such as undue burden, must also be shown. In the present instance, it is not believed that there would be an undue burden in examining the claims of Groups I and II in a single application, since the two groups of claims are not so different as would require a burden on the Examiner that is significantly beyond that of the normal burdens of examination.

Accordingly, reconsideration and withdrawal of the restriction requirement are respectfully requested.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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